



MS PETITION
PATENT
2185-0578P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Yoshinobu ONO et al. Conf.: 3053
Appl. No.: 09/977,375 Group: 2811
Filed: October 16, 2001 Examiner: JUNGWHA *AM*
For: 3-5 GROUP COMPOUND SEMICONDUCTOR AND
LIGHT-EMITTING ELEMENT

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TECH CENTER 2800

PETITION TO WITHDRAW ABANDONMENT
SINCE REPLY WAS TIMELY FILED

MS PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 27, 2004

Sir:

In response to the Notice of Abandonment mailed July 28, 2004, which issued in connection with the above-identified application, this is a Petition to withdraw the "abandonment status" of the present application, since a Reply was timely filed on July 19, 2004.

1. EVIDENCE

As evidence of the fact that a Reply was timely filed, enclosed herewith are the following:

- a copy of the Reply filed July 19, 2004; and
- a copy of the postcard receipt which was date-stamped on July 19, 2004.

2. TERMINAL DISCLAIMER

The present application was filed on or after May 29, 2000. Accordingly, no Terminal Disclaimer is necessary. It is noted that the present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no reduction in patent term adjustment should be made, in accordance with the provisions of 37 C.F.R. § 1.704(c)(4).

The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no Terminal Disclaimer under 37 C.F.R. § 1.321(a) is necessary. See MPEP § 711.03(c).

The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being filed more than two (2) months from the mailing date of the Notice of Abandonment. Accordingly, a Terminal Disclaimer under 37 C.F.R. § 1.321(a) and the required fee set forth in 37 CFR 1.20(d) are being submitted concurrently herewith. The period being disclaimed is equivalent to the period between (1) the date that is two months after the mail date of the notice of abandonment and (2) the filing date of the present petition to withdraw the holding of abandonment. See MPEP § 711.03(c).

It is requested that the abandonment status of the present application be immediately removed so that prosecution may resume with full consideration and entry into the record of the timely filed Reply.

If the U.S. Patent Examiner has any questions regarding the above matters, please contact Applicants' representative, Robert E. Goozner, Ph.D., at the phone number listed below.

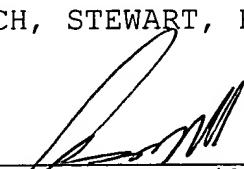
It is submitted that no fees are required for filing this Petition, since the error occurred because of a mistake on the part of the U.S. Patent and Trademark Office.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

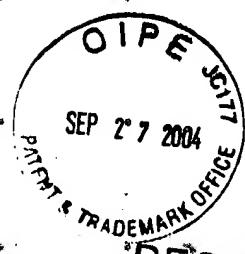

Andrew D. Meikle, #32,868

PLKooper
ADM REG:jls
2185-0578P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments: Copy of Reply
Copy of postcard receipt

(Rev. 08/19/2004)



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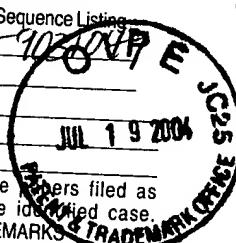
SEP 30 2004

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Papers Filed herewith on: 7-19-04
DOCKET NO.: 2185-S78P ATTY: KADM/REG
APPLICANT(S): Y-ONO et al
APPLN. NO: 09/977,375 FILED: 10-16-01
PAT NO: _____

New Application with Transmittal Letter
 Utility Design CIP PCT Provisional
 Filing Under 37 CFR 1.53(b) CONT DIV
 Filing Under 37 CFR 1.114(RCE)
 Specification Consisting of: _____ pages
 Combined Declaration & Power of Attorney
 Assignment / Cover Letter
 Letter to Official Draftsman
 Drawings _____ Sheets Formal Informal Red-Link
 Completion of Filing Requirements, PCT/DO/EO/905
or Formalities Letter and Executed Declaration
 Priority Document(s) / Cover Letter, No. Doc. _____
 Amendment: _____
 Transmtl Ltr Large Entity Small Entity
 Response _____
 Information Discl Stmtnt. PTO-1449(s) _____ doc(s)
 PTO/ISA/210
 Notice of Appeal Appeal Brief
 Issue Fee Transmittal Sequence Listing
 FEES: 2340.00 *CKH 7-19-04* Handcarry: _____
 Letter: _____
 Other: _____

DOCKET NO. 2185-S78P



Receipt is hereby acknowledged of the papers filed as
indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: 7-17-04
Handcarry: _____